

### Remarks

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1, 6 and 8 have been amended, and new claim 19 has been added. Claims 1-3, 5-12 and 14-19 are pending.

#### I. Claim amendments

Claim 1 has been amended to recite a top surface having a texture, and the degree of texturing of the side surface and the end surface being greater than the degree of texturing of the top surface. This language is supported by the original disclosure, for example page 8, lines 6-10 and Figures 1A and 1B.

Claim 6 has been amended to recite the blocks as being made from concrete and the second plurality of blocks being arranged side-by-side and atop one another to define a wall portion adjacent the exterior corner. The amendments are supported by the original disclosure, for example page 10, lines 15-16 and the figures.

Claim 8 has been amended to depend from claim 7.

New claim 19 is a combination of previous claims 6-9.

No new matter has been added by these amendments.

#### II. Claim Rejections Under 35 USC 112, second paragraph

Claims 8 and 9 are rejected under 35 USC 112, second paragraph, because "the subcourse blocks" lacks antecedent basis. Claim 8 has been amended to depend from claim 7, thereby providing antecedent basis for "the subcourse blocks".

#### III. Claims Rejections Under 35 U.S.C. § 102

##### A. Claims 1, 3, 5 and 16-18 and Sorheim et al. (Sorheim)

Claims 1, 3, 5 and 16-18 are rejected under section 102(b) as being anticipated by Sorheim et al. (Sorheim), U.S. Patent No. 5,820,304. This rejection is respectfully traversed.

Sorheim does not teach or suggest a block where the degree of texturing of the side surface and the end surface is greater than the degree of texturing of the top surface.

The rejection refers to the surface 4 in Sorheim as the top surface, the surface 5 as an end surface, and that all surfaces of the block have a texture. Assuming that this interpretation is

proper, which Applicants do not concede, there is no disclosure in Sorheim that the degree of texturing of the side surface and the end surface is greater than the degree of texturing of the top surface 4. In Sorheim, there is no difference in the texture of the surfaces 3, 4, 5 and 7. Sorheim does disclose that the block 2 can have a decorative front face (see column 3, line 67 to column 4, line 1). However, using the interpretation applied in the rejection, the front face is the bottom face. In any event, Sorheim does not disclose a greater degree of texturing on a side surface and an end surface compared to the degree of texturing on a top surface.

For at least these reasons, reconsideration and allowance of claim 1 and dependent claims 3, 5 and 16-18 are respectfully requested. By not separately addressing the dependent claims, Applicants do not concede the propriety or accuracy of the rejections thereto or that Sorheim discloses every feature recited in the dependent claims.

**B. Claims 1, 2, 5 and 16-18 and Stenekes**

Claims 1, 2, 5 and 16-18 are rejected under section 102(b) as being anticipated by Stenekes, U.S. Patent No. 6,065,265. This rejection is respectfully traversed.

Stenekes does not teach or suggest a block where the degree of texturing of the side surface and the end surface is greater than the degree of texturing of the top surface. The block 300 disclosed in Stenekes appears to have all sides with similar textures.

For at least these reasons, reconsideration and allowance of claim 1 and dependent claims 2, 5 and 16-18 are respectfully requested. By not separately addressing the dependent claims, Applicants do not concede the propriety or accuracy of the rejections thereto or that Stenekes discloses every feature recited in the dependent claims.

**C. Claims 1, 5, and 15-18 and Levy**

Claims 1, 5 and 15-18 are rejected under section 102(b) as being anticipated by Levy, U.S. Patent No. 1,424,172. This rejection is respectfully traversed.

Levy does not teach or suggest a block where the degree of texturing of the side surface and the end surface is greater than the degree of texturing of the top surface.

For at least these reasons, reconsideration and allowance of claim 1 and dependent claims 5 and 15-18 are respectfully requested. By not separately addressing the dependent claims,

Applicants do not concede the propriety or accuracy of the rejections thereto or that Levy discloses every feature recited in the dependent claims.

D. Claims 6-8 and Praetorius

Claims 6-8 are rejected under section 102(b) as being anticipated by Praetorius, U.S. Patent No. 1,418,464. This rejection is respectfully traversed.

Praetorius does not teach or suggest blocks made from concrete, and a second plurality of blocks being arranged side-by-side and atop one another to define a wall portion adjacent an exterior corner. In Praetorius, the blocks (a) and (c) are made from wood or a wood-like material. Further, the blocks (c) are scattered throughout the wall. The blocks (c) are not arranged side-by-side and atop one another.

For at least these reasons, reconsideration and allowance of claim 6 and dependent claims 7-8 are respectfully requested. By not separately addressing the dependent claims, Applicants do not concede the propriety or accuracy of the rejections thereto or that Praetorius discloses every feature recited in the dependent claims.

IV. Allowable Subject Matter

The allowance of claims 10-14 and the indicated allowability of the subject matter of claim 9 is gratefully noted. Claim 19 is a combination of previous claims 6-9, so claim 19 should be allowed as well. As indicated above, the remaining claims are believed to be allowable as well.

Conclusion

In view of the above amendments and remarks, all claims should now be in condition for allowance. Favorable reconsideration is respectfully requested. The Examiner is encouraged to contact the undersigned Attorney with any questions regarding this application.

Respectfully submitted,

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